

Remarks

The May 22, 2006 Official Action has been carefully reviewed. In view of the amendments submitted herewith and the following remarks, favorable reconsideration and allowance of this application are respectfully requested.

At the outset, it is noted that a shortened statutory response period of three (3) months was set forth in the May 22, 2006 Official Action. Therefore, the initial due date for response was August 22, 2006. A petition for a one (1) month extension is presented with this response, which is being filed within the one month extension period.

As another preliminary matter, Applicant respectfully requests that the Examiner consider the references which were submitted in a Request for Listing of References on May 13, 2004.

Claims 11-13 have been rejected under 35 U.S.C. §112, second paragraph for alleged indefiniteness on three grounds.

Claim 14 has been rejected for allegedly failing to satisfy the enablement requirement of 35 U.S.C. §112, first paragraph.

Lastly, claims 11 and 13 have been rejected under 35 U.S.C. §101 for allegedly being drawn to non-statutory subject matter.

The foregoing rejections constitute all of the grounds set forth in the May 22, 2006 Official Action for refusing the present application.

No new matter has been introduced into this application by reason of any of the amendments presented herewith.

In view of the present amendment and the reasons set forth in this response, Applicant respectfully submits that the 35 U.S.C. §112, second paragraph rejections of claims 11-13; the 35 U.S.C. §112, first paragraph rejection of claim 14; and the 35 U.S.C. §101 rejection of claims 11 and 13, as set

forth in the May 22, 2006 Official Action, cannot be maintained. These grounds of rejection are, therefore, respectfully traversed.

**CLAIMS 11-13, AS AMENDED, SATISFY THE DEFINITENESS REQUIREMENT
OF 35 U.S.C. §112, SECOND PARAGRAPH**

Claims 11-13 have been rejected under 35 U.S.C. §112, second paragraph for alleged indefiniteness on the following three grounds.

First, the Examiner contends that claim 11 is indefinite for reciting the abbreviation "MED1" without first using the full terminology. Applicant has amended claim 11 to recite "methyl-CpG binding endonuclease 1." Support for this amendment can be found throughout the specification including, for example, at page 6, line 11.

Second, it is the Examiner's position that the metes and bounds of the phrase "of SEQ ID NO: 2, about 580 amino acids in length" are unclear. Applicant respectfully submits that the claim was clear as previously presented. However, in the interest of expediting prosecution of the instant application, Applicant has amended claim 11 to recite a MED1 protein of SEQ ID NO: 2 without reference to its length.

Lastly, the Examiner contends that the metes and bounds of the term "catalytic domain" are unclear. Again, Applicant respectfully disagrees with the Examiner's position. However, Applicants has deleted the allegedly indefinite term in order to expedite prosecution of the instant application.

In view of all of the foregoing, Applicant respectfully submits that the rejections of claim 11-13 cannot be reasonably maintained. As such, Applicant respectfully requests the instant rejections under 35 U.S.C. §112, first paragraph be withdrawn.

**CLAIM 14, AS AMENDED, SATISFIES THE ENABLEMENT REQUIREMENT OF
35 U.S.C. §112, FIRST PARAGRAPH**

Claim 14 has been rejected for allegedly failing to satisfy the enablement requirement of 35 U.S.C. §112, first paragraph. It is the Examiner's position that while the specification is enabling for antibody fragments immunologically specific for SEQ ID NO: 2 wherein the antibody fragment is selected from the group consisting of Fab fragment, Fv fragment, F(ab')₂ fragment, and a single chain Fv fragment, the specification allegedly does not reasonably provide enablement for an isolated CDR region. The Examiner contends it is unlikely that antibodies which contain less than that of the full complement of CDRs from the heavy and light chain variable regions would satisfy the claimed binding function requirements.

Applicant respectfully disagrees with the Examiner's position. However, in the interest of expediting prosecution of the instant application, Applicant has deleted reference to an isolated CDR region from claim 14. Applicant has also amended claim 14 to further recite Fd fragments and dAB fragments. Support for this amendment can be found, for example, at page 38, line 30 through page 39, line 5.

In view of the foregoing, Applicant respectfully submits that the rejection of claim 14 under 35 U.S.C. §112, first paragraph is untenable and should be withdrawn.

**CLAIMS 11 AND 13, AS AMENDED, ARE DIRECTED TO STATUTORY
SUBJECT MATTER**

Claims 11 and 13 have been rejected under 35 U.S.C. §101 for allegedly being drawn to non-statutory subject matter. It is the Examiner's position that the claims "do not particularly point out any non-naturally occurring differences between the claimed antibodies and ... naturally occurring antibodies.

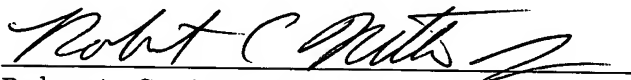
Applicant has used the Examiner's suggestion and amended the claims to recite that the antibodies are "isolated." Accordingly, Applicant respectfully requests that the instant rejection under 35 U.S.C. §101 be withdrawn.

CONCLUSION

In view of the amendments presented herewith and the foregoing remarks, it is respectfully urged that the rejections set forth in the May 22, 2006 Official Action be withdrawn and that this application be passed to issue.

In the event the Examiner is not persuaded as to the allowability of any claim, and it appears that any outstanding issues may be resolved through a telephone interview, the Examiner is requested to telephone the undersigned at the phone number given below.

Respectfully submitted,
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